

Message Text

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ACTION EB-11

INFO OCT-01 EUR-25 ADP-00 AID-20 NSC-10 RSC-01 CIEP-02

TRSE-00 SS-15 STR-08 OMB-01 CEA-02 COME-00 AGR-20

LAB-06 SIL-01 L-03 FRB-02 CIAE-00 INR-10 NSAE-00

RSR-01 HEW-08 /147 W
----- 058475

R 141740 Z MAY 73

FM USMISSION EC BRUSSELS
TO SECSTATE WASHDC 5203

LIMITED OFFICIAL USE SECTION 1 OF 2 EC BRUSSELS 2662

PASS AGRICULTURE AND BUR OF ALCOHOL, TOBACCO & FIREARMS

E. O.11652: N/A

TAGS: EAGR, ETRD, EEC

SUBJECT: CAP FOR WINE - TECHNICAL QUESTIONS (II)

REF: A. STATE 84915, B. EC BRUSSELS 2374,
C, EC BRUSSELS 2251, D, EC BRUSSELS 1685

1. SUMMARY: ON MAY 8 WE MET WITH TWO OFFICIALS IN THE EC COMMISSION' S WINE DIVISION TO DISCUSS THE TECHNICAL POINTS CONCERNING THE EC CERTIFICATION REQUIREMENTS FOR IMPORTED WINE. AT THE END OF THE DISCUSSION, THE COMMISSION OFFICIALS INFORMALLY SUGGESTED THAT THE U. S. GOVERNMENT SUBMIT A NOTE TO THE COMMISSION AND TO THE MEMBER STATES SPECIFYING WHICH CERTIFICATION RULES WILL CAUSE DIFFICULTY FOR THE U. S. AND WHAT CHANGES IN THE RULES WE WOULD CONSIDER DESIREABLE. ACTION REQUESTED: WE RECOMMEND THAT IMMEDIATE CONSIDERATION BE GIVEN TO SUBMITTING SUCH A NOTE SINCE THE CERTIFICATION REQUIREMENTS ARE SCHEDULED TO BECOME EFFECTIVE JULY 1, END SUMMARY.

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2. BEGIN UNCLASSIFIED. ON MAY 8 WE MET WITH TWO OFFICIALS (BOULLEZ AND REICHARDT) IN THE EC COMMISSION' S WINE DIVISION TO CLARIFY THE ADDITIONAL TECHNICAL POINTS (REF A) ON THE EC CERTIFICATION REQUIREMENTS FOR IMPORTED WINES. IN CERTAIN INSTANCES (I. E. AS REGARDS QUESTIONS ON ACIDIFICATION AND INCREASES IN VOLUME OF WINES) THE OFFICIALS HESITATED TO GIVE A CLEAR- CUT RESPONSE. THEY POINTED OUT THAT SOME OF THE QUESTIONS WR RAISED WERE " JURIDICAL" AND THAT IT IS NOT ALWAYS CLEAR EVEN TO THEM WHICH OENOLOGICAL CRITERIA IMPORTED WINES MUST MEET. THUS, THE ANSWERS THEY GAVE US SHOULD NOT BE CONSIDERED AS AUTHORITATIVE AND HENCE AS BINDING ON THE MEMBER STATES. THE MEMBER STATES MAY INTERPRET THE VAGUE AND AMBIGUOUS EC REGULATIONS DIFFERENTLY.

3. THE ANSWERS TO THE TECHNICAL QUESTIONS LISTED IN REF A. ARE AS FOLLOWS:

A. THE QUALITY CERTIFICATE DOES NOT REQUIRE INFORMATION ON THE GRAPE VARIETIES USED OR THE U. S. REGION OF PRODUCTION. THE PRODUCTION REGION MENTIONED IN PART A OF THE CERTIFICATE IS THE EC PRODUCTION ZONE WHOSE WINES ARE " COMPARED" TO THE IMPORTED WINE IN QUESTION. U. S. WINES ARE CONSIDERED COMPARABLE TO EC WINES PRODUCED IN ZONE C III WHICH INCLUDES CORSICA, CERTAIN VINEYARDS OF THE EASTERN PYRENEES AND OF THE VAR DEPARTMENT IN FRANCE, AND CERTAIN VINEYARDS IN ITALY. IN THIS CONNECTION, THE COMMISSION OFFICIALS MENTIONED THAT, IN THEIR OPINION, ZONE C III WAS NOT THE CORRECT ZONE FOR COMPARISON WITH THE U. S. THE U. S. APPARENTLY WAS ALIGNED WITH THAT ZONE SIMPLY BECAUSE ZONE C III IS ESSENTIALLY A CATCH- ALL CATEGORY FOR THOSE COUNTRIES NOT RESPONDING TO THE COMMISSION' S INVITATION TO COMMENT ON THE NEW EC RULES (SEE MAZIO' S LETTER TO KATZ OF MAY 18, 1972).

B. ACCORDING TO EC RULES (ARTICLE 30 OF REGULATION NO. 816/70) 85 PERCENT OF A WINE WITH A GEOGRAPHICAL DESIGNATION MUST HAVE ORIGINATED IN THE PRODUCTION AREA WHOSE NAME IT BEARS.

C. THERE ARE AS YET NO EC RULES ON VARIETAL LIMITED OFFICIAL USE

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LABELLING. THUS, FOR QUALITY CERTIFICATE PURPOSES, THE U. S. REQUIREMENT THAT 51 PERCENT OF A VARIETAL WINE BE PRODUCED FROM THE VARIETY INDICATED WOULD APPLY TO IMPORTS FROM THE U. S. THE COUNCIL IS CURRENTLY CONSIDERING A DRAFT REGULATION WHICH WOULD ESTABLISH COMMON RULES ON THE LABELLING OF IMPORTED WINES. WHEN ADOPTED (POSSIBLY BEFORE THE SUMMER BREAK),

THIS REGULATION MAY INCLUDE A REQUIREMENT THAT ALL OF A VARIETY WINE BE PRODUCED FROM THE VARIETY NOTED ON THE LABEL.

D. THE CITRIC ACID TOLERANCE FOR DOMESTIC AND IMPORTED WINE IS ONE GRAM PER LITER OR 0.1 PERCENT (REGULATION NO. 1594/70).

E. THERE IS NO REPEAT NO EC RULE PROHIBITING THE IMPORTATION OF WINES PRODUCED FROM HYBRID GRAPES. AS NOTED IN REF A, SOME MEMBER STATES DO HAVE SUCH A PROHIBITION ALTHOUGH THE REASONS ARE NOT CLEAR.

F. ACIDIFICATION MAY ONLY BE CARRIED OUT WITHIN AN UPPER LIMIT OF 1.50 G/ LITER EXPRESSED IN TARTARIC ACID OR -- AS LAST AMENDED -- 20 MILLI- EQUIVALENTS PER LITER (ARTICLE 20 - 1 OF REGULATION NO. 816/70). APPARENTLY, THE SPECIAL UPPER LIMIT OF 2.50 GRAM/ LITER MENTIONED IN ARTICLE 20 - 2 APPLIES TO IMPORTED WINES ONLY WHEN SUCH A LIMIT IS AUTHORIZED FOR DOMESTIC WINES.

G. ARTICLE 13 OF REGULATION NO. 816/70 PROHIBITS IMPORTS OF WINES TO WHICH ALCOHOL HAS BEEN ADDED, WITH THE EXCEPTION OF DESSERT (LIGUEUR) WINES AND WINES FORTIFIED FOR DISTILLATION (ITEM 11 AND 21 OF ANNEX II OF THE ABOVE CITED REGULATION). THUS, A TABLE WINE BLENDED WITH A DESSERT WINE CANNOT BE IMPORTED UNLESS IT IS MARKETED AS A DESSERT WINE.

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TO SECSTATE WASHDC 5204

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H. UNDER EC DEFINITIONS, A QUOTE WINE UNQUOTE

CAN BE PRODUCED ONLY FROM GRAPES. PRODUCTS PRODUCED FROM OTHER FRUITS COULD NOT BE CALLED QUOTE WINE UNQUOTE, BUT APPARENTLY COULD BE DESIGNATED WITH SUCH NAMES AS " APPLE WINE", " BLENDED FRUIT WINE", ETC.

I. THE COMMUNITY GRAPE VARIETY LIST (ARTICLE 16 OF REGULATION NO. 816/70) DOES NOT APPLY TO IMPORTS. THUS, UNDER EC RULES, WINES PRODUCED FROM PINEAU DE LA LOIRE OR PINOT SAINT GEORGES GRAPES COULD BE MARKETED UNDER THOSE VARIETAL NAMES.

J. ARTICLE 24 OF REGULATION NO. 816/70 PROHIBITS THE OVERPRESSING OF GRAPES, ON THE GROUNDS THAT OVERPRESSING YIELDS A POOR QUALITY WINE. THE FRENCH TEXT OF THE FIRST PARAGRAPH OF ARTICLE 24 READS AS FOLLOWS: " LE SURPRESSURAGE DES RAISINS, FOULES OU NON, ET LE PRESSURAGE DES LIES DE VIN SONT INTERDIT. IL EN EST DE MEME DE LA REMISE EN FERMENTATION DES MARCA DE RAISIN POUR DES BUTS AUTRES QUE LA DISTILLATION."

K. IN ZONE C III (AND THUS FOR U. S. WINES), THE NATURAL ALCOHOLIC STRENGTH, ACTUAL OR POTENTIAL, MAY BE INCREASED BY 2 PERCENT. THE ADDITION OF CONCENTRATED GRAPE MUST TO OBTAIN THIS INCREASE SHALL LIMITED OFFICIAL USE LIMITED OFFICIAL USE

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NOT INCREASE THE VOLUME BY MORE THAN 6.5 PERCENT.

L. CALIFORNIA AND NEW YORK WINES CAN BE BLENDED AND SOLD IN THE COMMUNITY. HOWEVER, IF THE 85 PERCENT GEOGRAPHIC REQUIREMENT IS NOT OBSERVED, THE WINE COULD NOT BE MARKETED AS A CALIFORNIA OR NEW YORK WINE. IT WOULD HAVE TO BE MARKETED AS A U. S. OR AMERICAN WINE. END UNCLASSIFIED

4. BEGIN LIMITED OFFICIAL USE. FOLLOWING THE DISCUSSION ON THE ABOVE TECHNICAL POINTS, WE INFORMED THE COMMISSION OFFICIALS THAT IT MAY BE IMPOSSIBLE FOR THE OFFICIAL AGENCY N THE U. S. TO CERTIFY THAT U. S. WINES EXPORTED TO THE EC MEET THE COMMUNITY' S OENOLOGICAL CRITERIA. WE POINTED OUT THAT SOME U. S. OENOLOGICAL PRACTICES (I. E. BLENDING, ACIDIFICATION, ENRICHEMNT) DIFFER BASICALLY FROM EC REQUIREMENTS.

5. THE COMMISSION OFFICIALS WERE COGNIZANT OF THESE CERTIFICATION PROBLEMS. THEY INFORMALLY SUGGESTED THAT THE U. S. SUBMIT A NOTE TO THE COMMISSION AND TO THE MEMBER STATES, POINTING OUT THE PROBLEMS WE WILL HAVE WITH THE QUALITY CERTIFICATE AND WHAT CHANGES WE CONSIDER DESIREABLE. IN THEIR OPINION, SUCH A NOTE WOULD BE GIVEN A SYMPATHETIC HEARING, PARTICULARLY IN VIEW OF THE IMPORTANCE OF THE U. S. MARKET FOR EC WINE EXPORTS. THEY ADDED THAT

THE COMMUNITY MAY HAVE MOVED TOO FAST ON THESE REQUIREMENTS AND THAT SOME " RE- THINKING" ABOUT THEM IS NECESSARY. THEY ALSO INDICATED SOME DISCONTENT IN THE MEMBER STATES, PARTICULARLY IN ITALY, ON THE EC RULES.

ACTION REQUESTED. WE RECOMMEND THAT IMMEDIATE CONSIDERATION BE GIVEN TO MAKING REPRESENTATIONS IN THE MEMBER STATES AND TO THE COMMISSION, ALONG THE LINES SUGGESTED BY THE COMMISSION OFFICIALS. THE IMPORT CERTIFICATION REQUIREMENTS ARE SCHEDULED TO BECOME EFFECTIVE JULY 1. GREENWALD

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